

Notice of Allowability

Application No.

10/828,619

Examiner

Tania C. Courson

Applicant(s)

DUFFIELD, TIMOTHY

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 13, 2005.
2. ☒ The allowed claim(s) is/are 8-10 and 19-25.
3. ☒ The drawings filed on 22 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Eric LaMorte on May 20, 2005. The application has been amended as follows:

2. The following changes have been made to the application in order to clearly describe the invention and to define the claimed invention over the prior art of record:

Claim 20:

- a) "a first hinge", line 5, has been replaced with -- a second hinge --;
- b) "said first hinge", line 6, has been replaced with -- said second hinge --;
- c) "said first hinge", line 14, has been replaced with -- said second hinge --;
- d) "a second hinge", line 20, has been replaced with -- a first hinge --;

Claim 23:

- a) "a first hinge", line 5, has been replaced with -- a second hinge --;
- b) "said first hinge", line 6, has been replaced with -- said second hinge --;
- c) "a second hinge", line 12, has been replaced with -- a first hinge --;
- d) "said first hinge", line 17, has been replaced with -- said second hinge --;
- e) "said second hinge", lines 21-22, has been replaced with -- said first hinge --;

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance for Claims 8-10 and 20-22: the prior art does not disclose or suggest a square that is selectively configurable between a folded condition and an open condition, said square including a straight long arm having a first section and a second section that are joined together at a second hinge, a first magnet disposed on said first section, a second magnet disposed on said second section, a straight short arm connected to said first section with a first hinge, a third magnet disposed on said straight short arm that interacts with said first magnet on said first section and retains said first section in parallel configuration when said square is in said folded condition in combination with the remaining limitations of the claims.

4. The following is an examiner's statement of reasons for allowance for Claims 19 and 23-25: the prior art does not disclose or suggest a square that is selectively configurable between a folded condition and an open condition, said square including a straight long arm having a first section and a second section that are joined together at a second hinge, a straight short arm connected to said first section with a first hinge, a first connector positioned proximate said second hinge, a second connector positioned proximate said first hinge that biases said first section and said straight short arm into a perpendicular configuration when said square is in said open condition in combination with the remaining limitations of the claims.

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5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

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the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
May 27, 2005


G. BRADLEY BENNETT
PRIMARY EXAMINER
AU 2859